

## REMARKS

In the Office Action the Examiner noted that claims 1-13 were pending in the application and were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,708,209 to Ebata et al. (Reference I). Claims 1-13 remain in the case. The rejections are traversed below.

### Rejections under 35 U.S.C. § 102(e)

In item 2 on pages 2-4 of the Office Action, claims 1-14 were rejected under 35 U.S.C. § 102(e) as anticipated by Ebata et al. As discussed in the Amendments filed February 11, 2005 and September 15, 2005 and during the Examiner Interview held January 25, 2006, Ebata et al. discloses a system that uses a data-intensive method of assuring end-to-end quality of service discussed in the Background of the Invention section of the subject application. Based on the January 25, 2006 Examiner Interview, claim 1 has been amended to add an intermediate subregion through which the route from a source subregion to a destination subregion passes and details of what resources are checked from the source subregion to the destination subregion.

As amended, claim 1 recites

checking whether the connection to be initialized via the route is authorized in consideration of the requested scope of resources and the transmission system resources between the source subregion and the intermediate subregion and between the intermediate subregion and the destination subregion of the route, but not within the source, intermediate, and destination subregions of the route

(claim 1, last 5 lines). This corresponds to the example described on pages 6-9 of the application, particularly the information in the table on the top of page 7 which only relates to transmission system resources TR between subregions.

A corresponding scenario to that recited in claim 1 (i.e., transmission from one organization to another via a third) can be found in Fig. 15 which is described at column 10, lines 16-49 of Ebata et al. Instead of only "checking ... resources between the source subregion and the intermediate subregion and between the intermediate subregion and the destination subregion of the route" (claim 1, lines 14-17),

the message receiving border router BRb1 (20200) uses the value registered in the intra-organization resource policy table which corresponds to the path between the outgoing interfaces of the two border routers (i.e., the intra-organization link connecting one outgoing interface and the other outgoing interface)

(column 10, lines 33-40). Such intra-organization transmission system resources, i.e., resources "within the ... intermediate ... subregion" (claim 1, last 2 lines) are explicitly not considered by a

method according to the present invention. Nothing has been cited or found in Ebata et al. suggesting any way to implement the invention disclosed therein that would not consider such resources.

Furthermore, it would not be obvious for a skilled person to disregard the resources within the subregions, because the description of the scenario illustrated in Fig. 15 of Ebata et al. indicates that the band upper limit within organization C (Fig. 15), 2.7 (M bits/sec), is the most limiting value. Specifically, "the band upper limit of 2.7 (M bits/sec) is added to the message which the policy server PSb (20100) sends" (column 10, lines 41-44) because it is "the band upper limit in the path between the message receiving outgoing interface and the message sending outgoing interface ... which .. is smalle[st]" within organization C (Fig. 15) and as illustrated in Fig. 15, the other limits are 5.8 Mbit/s, 3.5 Mbit/s and 4.0 Mbit/s. Therefore, disregarding the band upper limit of 2.7 Mbit/s within organization C (Fig. 15) could lead to incorrect routing, such as setting up connection(s) with a bandwidth up to 3.5 Mbit/s. Thus, the scenario illustrated in Fig. 15 of Ebata et al. would teach away from the invention as now recited in claim 1 and nothing else in Ebata et al. suggests modifying this scenario to meet the limitations recited in claim 1.

As discussed above and during the January 25, 2006 Examiner Interview, it is submitted that teachings of a reference cannot be simply ignored to meet limitations in the claims. Therefore, it is submitted that claim 1 and claims 2-13 which depend therefrom patentably distinguish over Ebata et al.

## Summary

It is submitted that Ebata et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-13 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/847,603

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4/3/06

By: Richard A. Gollhofer  
Richard A. Gollhofer  
Registration No. 31,106

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**CERTIFICATE UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 4/3/06  
STAAS & HALSEY Richard A. Gollhofer  
By: Richard A. Gollhofer  
Date: 4/3/06